

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN GREINER,

Plaintiff,

Case No. 14-cv-13979

Hon. Matthew F. Leitman

v.

CHARTER COUNTY OF
MACOMB, MICHIGAN, a/k/a
MACOMB COUNTY, et al.,

Defendants.

**ORDER (1) GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE
FLASH DRIVE IN THE TRADITIONAL MANNER (ECF #111) AND (2)
DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION REQUESTING
THE COURT TO LISTEN TO EXCLUDED PORTIONS OF THE
DEPOSITIONS IN THIS CASE AND RULE ON INCLUDING THESE
MISSING PARTS INTO, OR, AS PART OF THE DEPOSITIONS AND PART
OF THE RECORD (ECF #109)**

The Defendants in this action have filed motions for summary judgment. (*See* ECF ## 89-90.) In support of their motions for summary judgment, Defendants have attached a number of certified deposition transcripts (the "Deposition Transcripts"). (*See id.*)

Plaintiff John Greiner has filed two motions that relate to the Deposition Transcripts. First, he has filed a motion asking the Court to listen to certain audio recordings that allegedly relate to the deposition testimony and to include the recordings as part of the depositions. (*See* ECF #109.) Greiner claims that the recordings contradict testimony given by the deponents during the depositions. To the extent that Greiner

asks the Court to “include” the recordings as part of the Deposition Transcripts, the motion is **DENIED**. Greiner cites no authority allowing a court to add material to a deposition transcript, and this Court sees no basis for doing so here. To the extent Greiner is asking the Court to listen to the recordings to determine whether information contained thereon supports his opposition to Defendants’ summary judgment motions, Greiner’s motion is **DENIED WITHOUT PREJUDICE**. The Court will not consider the recordings unless and until Greiner properly authenticates them and otherwise establishes that they may properly be considered in the context of the pending motions for summary judgment.

Greiner has also filed a motion for permission to file in the traditional manner a flash drive containing the recordings. (*See* ECF #111.) The Court **GRANTS** that motion. In granting the motion, the Court does not mean to indicate that Greiner has sufficiently established that the recordings on the flash drive may be considered in the context of the pending summary judgment motions. Instead, the Court is permitting Greiner to file the flash drive so that it is included in the record in the event that Greiner later seeks review of this Court’s ruling concerning Greiner’s request to rely on the recordings on the flash drive.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 31, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 31, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113